

REMARKS

Claims 1-6, 8-10, 12, 13, and 16-65 are pending, with claim 1 being independent and with claims 19-63 withdrawn. Claim 1 has been amended herewith. Reconsideration and allowance of the above-referenced application are respectfully requested.

Rejections under 35 U.S.C. § 112

Claims 1-6, 8-10, 12, 13, 16-18, and 64-65 stand rejected under 35 U.S.C. 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In this regard, the Office states: "claim recites 'performing active interferometric analysis on the received input signal using an expressor function in a spectral domain.' It is unclear if the Application intend [sic] to recite that the input signal is in the spectral domain or if the expressor function is in the spectral domain." Feb. 26, 2010 Official Action at pg. 3.

Claim 1 has been amended to remove the language "in a spectral domain," rendering this rejection moot. As a result, it is respectfully requested that this grounds for rejection under 35 U.S.C. § 112 be withdrawn.

Priority

The claim for priority to US 6,136,541 and US 6,671,625 was denied because support for the following subject matter was allegedly not found therein: "converting an input signal from the spatial domain to the spectral domain for active interferometric analysis" and "expressor function in a spectral domain."

Without conceding this point and in an effort to expedite prosecution, claim 1 has been amended to remove this subject matter. Accordingly, amended claim 1 is supported by the priority document US 6,136,541. The Office concedes as much in its

rejection of claim 1 in the February 26, 2010 Official Action at pages 4-5. In fact, the scope of claim 1 is now the same as that of previously pending claim 1 when priority to US 6,136,541 and US 6,671,625 was not in dispute. *See e.g.* October 14, 2008 Response to Office Action; *see also* January 30, 2009 Official Action.

Rejections under 35 U.S.C. § 103

Claims 1-6, 8-10, 12, 13, 16-18, and 64-65 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Gulati et al. (6,136,541) in view of Cabib (6,088,099). This rejection is now moot based on the amendments to claim 1 because claim 1 has priority to Gulati et al. And, Cabib does not teach each limitation of claim 1. As a result, it is respectfully request that this ground of rejection be withdrawn.

Also, in the January 30, 2009 Official Action the Office relied upon Pfeifer et al. (CIRP Annals-Manufacturing Technology, vol. 51 (2002) pages 455-458) to reject previously pending claim 1 (having the same subject matter as currently amended claim 1). Pfeifer, a 2002 reference, is not a prior art reference to claim 1 as claim 1 has priority to Gulati et al. (US 6,136,541) filed February 22, 1999. Accordingly, claim 1 is allowable over the Pfeifer reference for at least this reason.

For these reasons, claim 1 and the claims that depend from claim 1 should be in a condition for allowance.

CONCLUSION

The foregoing comments made with respect to the positions taken by the Examiner are not to be construed as acquiescence with other positions of the Examiner that have not been explicitly contested. Accordingly, the above arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

In view of the amendments and remarks herein, claims 1-6, 8-10, 12, 13, and 16-65 should be in condition for allowance. A formal notice of allowance is respectfully requested.

Please apply any charges or credits, including the three month extension fee and the RCE fee, to deposit account 06-1050.

Respectfully submitted,

Date: August 26, 2010

/Joseph P. Benson, Reg. No. 61,794/

Jopseh P. Benson
Reg. No. 61,794

Customer Number 20985
Fish & Richardson P.C.
Telephone: (202) 783-5070
Facsimile: (877) 769-7945